

STATE OF INDIANA  
MARION COUNTY, SS:

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION

THE STATE OF INDIANA )

INFORMATION

vs. )

COUNT 1  
BATTERY

TABITHA BURKHART )

CLASS D FELONY

RACE: W SEX: F )

I.C. 35-42-2-1(a)(2)(C)

DOB: 2/22/1984 )

Cause No.: 11073126

File Stamp

The undersigned affiant does hereby swear or affirm under the penalties of perjury that:

On or about August 19, 2011, in Marion County, State of Indiana, the following  
named defendant Tabitha Burkhart, who had care of (either assumed or through  
legal obligation) Virginia Myrick, did knowingly or intentionally touch Virginia  
Myrick, who is mentally and/or physically disabled, in a rude, insolent or angry  
manner; and further that said touching resulted in bodily injury to the other person,  
specifically: pain and/or bruising.

All of which is contrary to the laws of the State of Indiana

Signed

Printed Juli Ann Batt

State's Witnesses:  
Virginia Myrick

Charles Light

Todd James, M.D.

Ruth Hopper

Joie Davis, APS Investigator

Approved

Deputy Prosecuting Attorney  
Nineteenth Judicial Circuit

AFFIDAVIT  
FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Joie K. Davis

swears (affirms) that:

On 08/19/11, Virginia S. Myrick, W/F/71/DOB/08/10/1940, was admitted to Wishard Hospital for Hypertension. Additional diagnosis by medical Staff determined the Victim also suffered from Diabetes, Blindness resulting from complications of Diabetes, Asthma, Hypertension and Dementia. During her stay at Wishard Hospital Virginia Myrick reported to her Doctor, Nurse and Social Worker that she had been beaten by her Granddaughter.

Wishard Hospital Social Worker Charles Light initiated a report to Adult Protective Services and the case was assigned to Investigator Joie Davis.

Virginia Myrick advised medical Staff she was afraid to go back home and was later transferred to Washington Healthcare, 8201 W. Washington St, Indianapolis for rehabilitation.

Investigator Davis traveled to Washington Healthcare and met with and interviewed Virginia Myrick. Virginia Myrick stated she lived at 1749 Morris St, Indianapolis with her Granddaughter, Tabatha Burkhardt, W/F/27/DOB/02/22/1984 and Tabatha's husband and small child. Virginia said she paid all the house bills and Tabatha would help her, including making meals and taking her to medical appointments. Virginia stated on the day of the incident they had returned home from her medical appointment and Tabatha was upset because she thought the Victim had said something detrimental to her Doctor about the type of care she was receiving at home

Virginia further stated at this time Tabatha Burkhardt began punching her and kicking her, repeatedly shouting "Say you need me!" Virginia refused to say she needed her Granddaughter and suffered continued punches and kicks to the right side of her body. Sometime after the attack, Virginia suffered chest pains and was transported to Wishard Hospital.

Investigator Davis contacted and interviewed Doctor Todd James who was Virginia Myrick's Physician during her stay at Wishard. Dr James stated Virginia Myrick did tell him of the assault by her Granddaughter and his medical notes reflect the report. Doctor James advised he did not bruising to the Victim's body. Dr. James added alternative Living was discussed with the Patient due to the home situation and her inability to care for herself and a referral was subsequently generated to Adult Protective Services.

Virginia Myrick, who is 71 years old, blind, and currently resides with her sister, Ruth Hopper.

I swear (affirm), under penalty of perjury as specified by I.C. 35-44-2-1, that the foregoing representations are true.

Dated

10 / 12 / 11

*Joie Davis*

Affiant

*John A. Ball*

Deputy Prosecuting Attorney  
Nineteenth Judicial Circuit

Judge  
Marion Superior Court  
Criminal Division, Room

STATE OF INDIANA )  
COUNTY OF MARION ) SS:  
STATE OF INDIANA )  
vs. )  
TABITHA BURKHART )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 15  
CAUSE NUMBER: 11073126

PLEA AGREEMENT

Comes now the State of Indiana by and through its Deputy Prosecuting Attorney and the Defendant, in person and by counsel, and hereby enter into the following plea agreement:

The Defendant will plead guilty to the following offense(s): COUNT TWO: Battery MA

State will dismiss all other counts in this cause number: Count ONE: Battery /FD

TERMS AND CONDITIONS:

- ☐ Open / No recommendation ☐ With a cap of \_\_\_\_\_ days on any initial executed sentence the Court may impose
- ☒ 365 Total Days Sentenced 180 Days Executed 185 Days Suspended 18+18=36 Days Credit
- ☐ Placement for executed time shall be: ☐ Open to Argument ☐ MCJ/DOC ☒ Community Corrections Home Detention
- ☐ Work Release ☐ Other: \_\_\_\_\_ ☐ Split Sentence: \_\_\_\_\_
- ☒ Fines and Costs to the discretion of the Court. The State makes no recommendation as to fines and costs. ☐ \$ \_\_\_\_\_ Fine with \$165.00 Court Costs for a total of \$ \_\_\_\_\_
- ☐ Defendant shall pay \$200 Countermeasure Fee / \$300 Drug Interdiction Fee
- ☐ Driver's License Suspension of \_\_\_\_\_ months from date of conviction/sentencing
- ☒ 185 Days on Probation. Defendant shall be subject to all standard terms and conditions of probation, including random urinalysis, and:
- ☐ Substance Abuse Evaluation and Treatment / Alcohol Evaluation and Treatment (\$300 ADS fee for either)
  - ☐ NCTI Class / 12 Anger Management Classes
  - ☐ \_\_\_\_\_ Hours of Community Service Work ("CWS")
  - ☐ STD testing and risk counseling as deemed necessary by the Probation Department
  - ☒ Defendant shall consume no alcohol as a condition of probation
  - ☒ Defendant agrees to serve 10 days for each missed/positive test, 20 days for the second missed/positive/diluted test, 40 days for each subsequent missed/positive/diluted, all to be served in MCJ/DOC
  - ☐ Probation to ☐ terminate / ☐ become non-reporting, upon successful completion of all terms, including payment of fees
- ☒ Defendant shall have no contact with / stay away from Virginia Myrick
- ☐ Defendant shall pay restitution to \_\_\_\_\_ in the amount of \_\_\_\_\_ entered as money judgment/through probation.
- NA- ☐ No AMS ☐ AMS ☐ AMS upon successful completion of probation without any violations ☐ AMS open to argument
- ☐ Other conditions: \_\_\_\_\_
- ☒ State refrains from filing Habitual Offender / Habitual Substance Offender enhancement while plea negotiations are ongoing.
- ☐ State agrees to dismiss, as a condition of this plea, Cause Numbers: \_\_\_\_\_
- ☒ Unless provided for elsewhere in this agreement, any executed term shall run consecutive to all other terms in any other cause of action.
- ☒ The Defendant hereby states that she/he is fully aware of the fact that the Court is not a party to this agreement and may reject the guilty plea and this agreement. If the Court accepts the guilty plea, the Court must follow the terms of the agreement.
- ☒ The Defendant hereby states that this agreement was entered into knowingly and voluntarily, without force, coercion, or threats being used against him/her, and there are no agreements or promises between the Defendant and the State not contained in this agreement.

W. A. B. H.  
Deputy Prosecuting Attorney

Date: 4/10/12

Tabitha Burkhardt  
Defendant

David G. Keen  
Defendant's Attorney